

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 61

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

*Ex parte* Axel Friese and Stefan Simon

Appeal No. 99-2538  
Application 08/427,468<sup>1</sup>

ON BRIEF

MAILED

SEP 13 2000

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Before STONER, *Chief Administrative Patent Judge*,  
HARKCOM, *Vice Chief Administrative Patent Judge*, and  
WILLIAM F. SMITH, *Administrative Patent Judge*.

*Per Curiam.*

REMAND TO THE EXAMINER

The Office of the Group Director of Technology Center 3700 has requested that this application be remanded to the jurisdiction of the patent examiner so that the issues raised in this appeal can be reconsidered. Accordingly, we *remand*.


<sup>1</sup> Application for patent filed April 24, 1995.

Appeal No. 99-2538  
Application 08/427,468


If reconsideration by the examiner does not promptly result in the withdrawal of all pending rejections, the examiner must return this application to the jurisdiction of the board so that the appeal may be restored to its existing place in the order in which appeals are decided. A new appeal number will not be assigned nor will a new appeal fee be required in the event that the examiner returns this application to the jurisdiction of the board following reconsideration.

This application, by virtue of its "special" status, requires *immediate* action by the examiner. See MPEP § 708.01(d). The Board of Patent Appeals and Interferences *must* be informed promptly of any action affecting the appeal in this case, including reopening of prosecution, allowance and/or abandonment of the application.

**REMANDED**

  
BRUCE H. STONER, JR., Chief  
Administrative Patent Judge

  
GARY V. HARKCOM, Vice Chief  
Administrative Patent Judge

  
WILLIAM F. SMITH  
Administrative Patent Judge

)  
)  
)  
) BOARD OF PATENT  
) APPEALS AND  
) INTERFERENCES  
)  
)  
)  
)

Appeal No. 99-2538  
Application 08/427,468

Audley A. Ciamporcero, Jr.  
Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003